

AMENDED IN SENATE AUGUST 9, 2012

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JULY 6, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 787**

**Introduced by Assembly Member Chesbro**  
(Coauthor: Senator Evans)

February 17, 2011

---

An act to ~~amend Section 12012.45 of~~ *add Section 12012.57 to the* Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 787, as amended, Chesbro. Tribal-state gaming compacts.

Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature. Existing law ratifies a number of tribal-state gaming compacts between the State of California and specified Indian tribes, *including the tribal-state gaming compact entered into between the State of California and the Coyote Valley Band of Pomo Indians, executed on August 23, 2004.*

This bill would ratify the amendment to the tribal-state gaming compact entered into in 2012 between the State of California and the Coyote Valley Band of Pomo Indians, *executed on July 25, 2012*.

Existing law, the California Environmental Quality Act (CEQA), requires a lead agency to prepare, or cause to be prepared, and certify completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

~~Existing effect.~~ Existing law provides that, in deference to tribal sovereignty, certain actions shall not be deemed projects for purposes of CEQA, including the execution of an amendment of a *specified* ratified tribal-state gaming compact ~~compacts~~.

This bill would *similarly* provide that, in deference to tribal sovereignty, ~~the amendment to the tribal-state gaming compact between the State of California and the Coyote Valley Band of Pomo Indians~~ certain actions in connection with the amended tribal-state gaming compact ratified by this bill shall not be deemed projects for purposes of CEQA. By imposing additional duties on a lead agency with regard to the implementation of CEQA requirements, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 12012.57 is added to the Government
- 2     Code, to read:
- 3     12012.57. (a) The amendment to the tribal-state gaming
- 4     compact entered into in accordance with the federal Indian Gaming
- 5     Regulatory Act of 1988 (18 U.S.C. Secs. 1166 to 1168, incl., and
- 6     25 U.S.C. Sec. 2701 et seq.) between the State of California and

1 *the Coyote Valley Band of Pomo Indians, executed on July 25,*  
2 *2012, is hereby ratified.*

3 *(b) (1) In deference to tribal sovereignty, none of the following*  
4 *shall be deemed a project for purposes of the California*  
5 *Environmental Quality Act (Division 13 (commencing with Section*  
6 *21000) of the Public Resources Code):*

7 *(A) The execution of an amendment to the amended tribal-state*  
8 *gaming compact ratified by this section.*

9 *(B) The execution of the amended tribal-state gaming compact*  
10 *ratified by this section.*

11 *(C) The execution of an intergovernmental agreement between*  
12 *a tribe and a county or city government negotiated pursuant to*  
13 *the express authority of, or as expressly referenced in, the amended*  
14 *tribal-state gaming compact ratified by this section.*

15 *(D) The execution of an intergovernmental agreement between*  
16 *a tribe and the Department of Transportation negotiated pursuant*  
17 *to the express authority of, or as expressly referenced in, the*  
18 *amended tribal-state gaming compact ratified by this section.*

19 *(E) The on-reservation impacts of compliance with the terms*  
20 *of the amended tribal-state gaming compact ratified by this section.*

21 *(F) The sale of compact assets, as defined in subdivision (a) of*  
22 *Section 63048.6, or the creation of the special purpose trust*  
23 *established pursuant to Section 63048.65.*

24 *(2) Except as expressly provided herein, nothing in this*  
25 *subdivision shall be construed to exempt a city, county, or city and*  
26 *county, or the Department of Transportation, from the requirements*  
27 *of the California Environmental Quality Act.*

28 ~~SECTION 1. Section 12012.45 of the Government Code is~~  
29 ~~amended to read:~~

30 ~~12012.45. (a) The following tribal-state gaming compacts and~~  
31 ~~amendments of tribal-state gaming compacts entered into in~~  
32 ~~accordance with the Indian Gaming Regulatory Act of 1988 (18~~  
33 ~~U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)~~  
34 ~~are hereby ratified:~~

35 ~~(1) The amendment of the compact between the State of~~  
36 ~~California and the Buena Vista Rancheria of Me-Wuk Indians,~~  
37 ~~executed on August 23, 2004.~~

38 ~~(2) The compact between the State of California and the Fort~~  
39 ~~Mojave Indian Tribe, executed on August 23, 2004.~~

1     ~~(3) (A) The compact between the State of California and the~~  
2     ~~Coyote Valley Band of Pomo Indians, executed on August 23,~~  
3     ~~2004.~~

4     ~~(B) The amendment to the compact between the State of~~  
5     ~~California and the Coyote Valley Band of Pomo Indians, executed~~  
6     ~~on July 25, 2012.~~

7     ~~(4) The amendment to the compact between the State of~~  
8     ~~California and the Ewiiapaayp Band of Kumeyaay Indians,~~  
9     ~~executed on August 23, 2004.~~

10    ~~(5) The amendment to the compact between the State of~~  
11    ~~California and the Quechan Tribe of the Fort Yuma Indian~~  
12    ~~Reservation, executed on June 26, 2006.~~

13    ~~(b) The terms of each compact apply only to the State of~~  
14    ~~California and the tribe that has signed it, and the terms of these~~  
15    ~~compacts do not bind any tribe that is not a signatory to any of the~~  
16    ~~compacts. The Legislature acknowledges the right of federally~~  
17    ~~recognized tribes to exercise their sovereignty to negotiate and~~  
18    ~~enter into compacts with the state that are materially different from~~  
19    ~~the compacts ratified pursuant to subdivision (a).~~

20    ~~(c) (1) In deference to tribal sovereignty, none of the following~~  
21    ~~shall be deemed a project for purposes of the California~~  
22    ~~Environmental Quality Act (Division 13 (commencing with Section~~  
23    ~~21000) of the Public Resources Code):~~

24    ~~(A) The execution of an amendment of a tribal-state gaming~~  
25    ~~compact ratified by this section.~~

26    ~~(B) The execution of a tribal-state gaming compact ratified by~~  
27    ~~this section.~~

28    ~~(C) The execution of an intergovernmental agreement between~~  
29    ~~a tribe and a county or city government negotiated pursuant to the~~  
30    ~~express authority of, or as expressly referenced in, a tribal-state~~  
31    ~~gaming compact or an amended tribal-state gaming compact~~  
32    ~~ratified by this section.~~

33    ~~(D) The execution of an intergovernmental agreement between~~  
34    ~~a tribe and the California Department of Transportation negotiated~~  
35    ~~pursuant to the express authority of, or as expressly referenced in,~~  
36    ~~a tribal-state gaming compact or an amended tribal-state gaming~~  
37    ~~compact ratified by this section.~~

38    ~~(E) The on-reservation impacts of compliance with the terms~~  
39    ~~of a tribal-state gaming compact or an amended tribal-state gaming~~  
40    ~~compact ratified by this section.~~

1     ~~(F) The sale of compact assets, as defined in subdivision (a) of~~  
2     ~~Section 63048.6, or the creation of the special purpose trust~~  
3     ~~established pursuant to Section 63048.65.~~

4     ~~(2) Except as expressly provided herein, nothing in this~~  
5     ~~subdivision shall be construed to exempt a city, county, a city and~~  
6     ~~county, or the California Department of Transportation from the~~  
7     ~~requirements of the California Environmental Quality Act.~~

8     ~~(d) Revenue contributions made to the state by tribes pursuant~~  
9     ~~to the tribal-state gaming compacts and amendments of tribal-state~~  
10    ~~gaming compacts ratified by this section shall be deposited in the~~  
11    ~~General Fund.~~

12    SEC. 2. No reimbursement is required by this act pursuant to  
13    Section 6 of Article XIII B of the California Constitution because  
14    a local agency or school district has the authority to levy service  
15    charges, fees, or assessments sufficient to pay for the program or  
16    level of service mandated by this act, within the meaning of Section  
17    17556 of the Government Code.

18    SEC. 3. This act is an urgency statute necessary for the  
19    immediate preservation of the public peace, health, or safety within  
20    the meaning of Article IV of the Constitution and shall go into  
21    immediate effect. The facts constituting the necessity are:

22    In order to allow the revenues from this act to be eligible for  
23    revenue sharing at the earliest possible time to address some of  
24    the state's pressing budget issues, it is necessary that this act take  
25    effect immediately.